

FILED

MAY 22 2006

ADMINISTRATIVE HEARING
COMMISSION

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

**W. DALE FINKE, Director
Missouri Department of
Insurance,**

Petitioner,

v.

LEROY LOVE, SR.,

Respondent.

**Serve at:
1189 Crockett Dr.
St. Louis, MO 63132
(314) 991-0891**

CASE NO. 04-0418208C

COMPLAINT

W. Dale Finke, Director of the Missouri Department of Insurance, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent Leroy Love, Sr. because:

1. Petitioner is the Director of the Missouri Department of Insurance whose duties, pursuant to RSMo Chapters 374 and 375, include the supervision and regulation of insurance producer licenses.

2. At all times mentioned herein, Respondent Love was either a licensed insurance agent (license #AT491508365) or producer (license #PR277647) in the State of Missouri.¹ Respondent Love's insurance license is currently active and in good standing.

3. This Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

¹ Pursuant to SB 193 enacted by the Missouri General Assembly in 2002, all Missouri insurance agent licenses were converted to Missouri insurance producer licenses, effective January 1, 2003.

COUNT I

4. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

5. Respondent Love signed the name of another to an application for insurance or to a document related to an insurance transaction without authorization, a ground for discipline under § 375.141.1(10), RSMo (Cumulative Supp. 2005).

6. The facts are as follows:

a. On or about December 16, 2004, Respondent Love signed the name C Law to an insurance document, namely, a Missouri Property Insurance Placement Facility Declarations statement;

b. The aforementioned Declarations statement was used in an insurance transaction regarding a standard fire insurance policy for Cachet Law;

c. On February 22, 2006, Respondent Love admitted to signing the name C Law to the aforementioned Declarations statement; and

d. Respondent Love signed Cachet Law's name without authorization;

7. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(10), RSMo (Cumulative Supp. 2005).

COUNT II

8. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

9. Respondent Love has admitted committing the unfair trade practice of "False statements and entries" as set forth in § 375.936(5)(b), RSMo 2000, in violation of § 375.934, RSMo (2000), a ground for discipline under § 375.141.1(7), RSMo (Cumulative Supp. 2005).

10. The facts are as follows:

a. Between December 1, 2004 and December 31, 2004, Respondent Love knowingly made entries in reports or statements of insurers, namely, National Lloyds Insurance

Company and Missouri Property Insurance Placement Facility, or knowingly omitted to make true entries of material facts in reports or statements of such insurers;

b. Specifically, Respondent Love cancelled an insurance policy from Missouri Property Insurance Placement Facility and submitted an application for insurance to National Lloyds Insurance Company;

c. Such entries pertained to the business of such insurers;

d. Such entries were material and false;

e. On February 22, 2006, Respondent Love admitted to falsifying such records or statements and submitting them to the respective insurance companies; and

f. Respondent Love committed the foregoing in conscious disregard of §§ 375.930 to 375.948, RSMo, or of any rules promulgated under §§ 375.930 to 375.948, RSMo, or with such frequency to indicate a general business practice to engage in that type of conduct.

11. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(7), RSMo (Cumulative Supp. 2005).

COUNT III

12. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

13. Respondent Love has admitted committing or practicing multiple acts constituting fraud, forgery or deception, a ground for discipline under § 375.141.1(6), RSMo (2000), or, alternatively, § 375.141.1(7), RSMo (Cumulative Supp. 2005).

14. The facts are as follows:

a. Petitioner realleges and expressly incorporates by reference the allegations contained in paragraph 10;

b. On or about July 15, 2002, Respondent Love altered the payee line of a check (number 111404) dated June 18, 2002, issued by Missouri Property Insurance Placement

Facility for one hundred thirty-seven dollars (\$137.00);

c. On or about July 15, 2002, Respondent Love endorsed the aforementioned check and tendered it for the full amount;

d. On or about January 11, 2005, Respondent Love forged the name Cachet Law to a check (number 118905) made payable to Ms. Law dated January 3, 2005 and issued by Missouri Property Insurance Placement Facility for three hundred sixty dollars (\$360.00);

e. On or about January 11, 2005, Respondent Love endorsed the aforementioned check and tendered it for the full amount; and

f. On February 22, 2006, Respondent Love admitted committing the foregoing conduct.

15. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(6), RSMo (2000), or, alternatively, § 375.141.1(7), RSMo (Cumulative Supp. 2005).

COUNT IV

16. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

17. Respondent Love has misappropriated, improperly withheld or converted moneys or properties received in the course of doing insurance business and belonging to an insurance company, its agent, or to an insured or beneficiary or prospective insurance buyer, a ground for discipline under § 375.141.1(5), RSMo (2000), or, alternatively, § 375.141.1(4), RSMo (Cumulative Supp. 2005).

18. The facts are as follows:

a. Petitioner realleges the allegations contained in paragraph 14;

b. Said funds or property were received by Respondent Love in the course of doing insurance business; and

c. Respondent Love misappropriated, improperly withheld or converted such funds or property for a use other than that intended or authorized.

19. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(5), RSMo (2000), or, alternatively, § 375.141.1(4), RSMo (Cumulative Supp. 2005).

COUNT V

20. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

21. Respondent Love has violated an insurance law or violated a regulation, subpoena or order of the director or of another insurance commissioner in another state, a ground for discipline under § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

22. The facts are as follows:

a. Petitioner realleges the allegations contained in paragraph 14; and

b. Respondent Love thereby violated § 375.934, RSMo, and § 375.991, RSMo;

c. On or about May 27, 2005, Investigator Jennifer Crum of the Missouri Department of Insurance sent a letter to Respondent Love requesting his response regarding various issues, including the check described in paragraph 14d;

d. On or about June 3, 2005, Respondent Love responded to Ms. Crum's letter by indicating, among other things, that the check described in paragraph 14d was applied to Cachet Law's new policy;

e. On February 22, 2006, Respondent Love admitted that the check described in paragraph 14d was never applied to Cachet Law's new policy; and

f. Respondent Love thereby violated § 374.210, RSMo (2000).

23. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

COUNT VI

24. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

25. Respondent Love has practiced forgery or deception in connection with any insurance transaction or used fraudulent, coercive or dishonest practices in the conduct of business in this state or elsewhere, a ground for discipline under § 375.141.1(6), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

26. The facts are as follows:

- a. Petitioner realleges the allegations contained in paragraphs 4-23;
- b. Respondent Love intended that Missouri Property Insurance Placement Facility and National Lloyds Insurance Company rely upon such representations in the conduct of business;
- c. The representations were false;
- d. Respondent Love, by his own admission, knew that the representations were false; and
- e. Respondent Love did so with the purpose to deceive or defraud.

27. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(6), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

COUNT VII

28. Petitioner realleges and expressly incorporates the allegations on paragraphs 1-3.

29. Respondent Love has demonstrated incompetence, untrustworthiness or financial irresponsibility in this state or elsewhere, a ground for discipline under § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

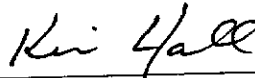
30. The facts are as follows:

- a. Petitioner realleges the allegations contained in paragraphs 4-23; and
- b. Respondent Love thereby demonstrated incompetence, untrustworthiness or financial irresponsibility in this state or elsewhere.

31. As a result, sufficient grounds exist for disciplining Respondent Love's insurance license pursuant to § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

WHEREAS, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the insurance license of Respondent Leroy Love, Sr.

Respectfully submitted,



KEVIN HALL
Missouri Bar Number 48763
Department of Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
(573) 751-2619

ATTORNEY FOR PETITIONER
W. Dale Finke, Director
Missouri Department of Insurance